

## REMARKS

Office Action dated July 27, 2005 has been received and carefully noted. The following remarks are submitted as a full and complete response to the Office Action.

Claims 1, 5 and 8 are amended to particularly point out and distinctly claim the subject matter of the invention. Support for the amendments is found at least on page 9 lines 16-20 of the specification. New claims 14 and 15 are added. Support for the new claims is found at least on page 6, line 18 – page 8, line 20. Applicants are grateful for the indication that claims 11 and 12 would be allowable if rewritten into independent form. However, Applicants submit that these claims are allowable in their present form at least for the reasons discussed below. No new matter has been added. Claims 1-15 are respectfully submitted for consideration.

The Office Action rejected claims 1-7 under 35 U.S.C. 103(a) as being obvious over EP 0981229 A2 to Hwang et al. (Hwang) in view of U.S. Patent No. 6,097,733 to Basu et al. (Basu). The Office Action took the position that Hwang disclosed all of the features recited in the above claims except the feature of a controller for the second network element. The Office Action asserted that Basu disclosed this feature. Applicants submit that the cited references taken individually or in combination fail to disclose or suggest all of the features recited in any of the pending claims.

Claim 1 from which claims 2-4, 6 and 7 depend, recites a method of controlling communication resources in a transmission from a first network element to a second

network element, where the communication resources are allocated by a controller. The method includes monitoring an indication of future need of communication resources in said first network element. The method further includes sending the indication from the first network element to the controller, wherein the indication is a coded value of the length of the data queue. The method further includes controlling the communication resources between the first network element and the second network element based on this indication.

Claim 5 recites a method of controlling communication resources in a transmission from a first network element to a second network element across a network, where the communication resources are allocated by a controller in the network. The method includes monitoring an indication of future need of communication resources in the first network element, and sending the indication from the first network element to the controller. The method further includes controlling the communication resources between the first network element and the second network element based on this indication. In the method, the controller is separate and independent from the first network element and the indication includes information about a transmit buffer of the first network element, wherein the indication includes coded values corresponding to predefined resources.

Applicants submit that the above claims recite features that are neither disclosed or suggested in any of the cited references.

Hwang is directed to controlling asymmetric dynamic radio bearers in mobile packet data communications. Hwang appears to disclose a media access controller (MAC), which is a part of the mobile station (see Figure 1). The MAC examines the amount of data stored in a transmit buffer during transmission of mobile packet data in order to increase or decrease the number of the plural radio bearers established, and for establishing a plurality of radio bearers used to send the transmit data at a data rate corresponding to the radio data service (column 4 lines 18-25). Once the amount of data in the transmit buffer is examined in predetermined time intervals, the amount of stored data is compared with threshold values, and the radio packet data service is provided with a number of plural radio bearers for a predetermined data rate. See column 5 lines 18-55. The Office Action admits that Hwang fails to disclose a controller for the second network element, as asserts that Basu makes up for this deficiency.

Basu is directed to a system and associated method of operation for managing bandwidth in a wireless communication system supporting multimedia communications. Basu appears to disclose a plurality of wireless mobile units (Figure 1 104a-c); a base station (Figure 1 102) (col. 4 lines 55-57) and a base switching center for allocating bandwidth (BSC, Figure 2 and column 7 lines 11-28).

Applicants submit that the cited references taken individually or in combination, fail to disclose or suggest at least the features of monitoring an indication of future need of communication resources in said first network element, and sending the indication from the first network element to the controller, wherein the indication is a coded value

of the length of the data queue, as recited in claim 1 and the feature of the indication includes information about a transmit buffer of the first network element, wherein the indication includes coded values corresponding to predefined resources, as recited in claim 5.

Applicants submit that neither Hwang nor Basu discloses this feature. Instead Hwang merely discloses examining the amount of data stored in the transmit buffer and increasing or decreasing the amount of radio bearers according to the amount of data. See Hwang paragraph [0057]. Hwang does not mention, disclose or suggest that the indication is a coded value of the amount of data in the queue. Similarly, Basu fails to mention, disclose or suggest this feature and therefore does not make up for the deficiencies of Hwang.

Further, Applicants submit that the cited combination of references disclose that a signaling mechanism needs to be established between the mobile terminal and the base station to transfer the queue/load information to the base station for it to allocate resources. This is not accomplished on neither a periodic nor on a per packet basis.

Based at least on the above, Applicants submit that the cited references taken individually or in combination fail to disclose or suggest all of the features recited in claims 1-7. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) of claims 1-7 is respectfully requested.

The Office Action rejected claims 8-10 and 13 under 35 U.S.C. §103(a) as being obvious over Basu, in view of Hwang. The Office Action took the position that Hwang

disclosed all of the features recited in these claims except the feature of “based on the lengths of data queues in the first stations.” The Office Action asserted that Basu disclosed this feature. Applicants submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in any of the above claims.

Claim 8, from which claims 9-13 depend, recites a system for controlling communication resources in a network. The system includes a plurality of first stations, a second station connected to the plurality of first stations through a plurality of communication links and a controller for controlling the allocation of the communication resources among the links, the controller being separate and independent from the first stations. In the system the allocation is performed in accordance with information transmitted from the first stations which indicates a need for communication resources based upon the lengths of data queues in the first stations. Further, in the system the information is a coded value of the lengths of the data queues.

Applicants submit that the cited references fail to disclose or suggest all of the features recited in the above claims, nor any of the advantages thereof. Basu and Hwang are discussed above.

Applicants submit that the cited references fail to disclose or suggest at least the feature of allocation being performed in accordance with information transmitted from the first stations which indicates a need for communication resources based upon the

lengths of data queues in the first stations, wherein the information is a coded value of the lengths of the data queues, as recited in claim 8.

As discussed above, Hwang merely discloses examining the amount of data stored in the transmit buffer and increasing or decreasing the amount of radio bearers according to the amount of data. See Hwang paragraph [0057]. Hwang does not mention, disclose or suggest that the indication is a coded value of the amount of data in the queue. Similarly, Basu fails to mention, disclose or suggest this feature and therefore does not make up for the deficiencies of Hwang.

Applicants submit that because claims 9, 10 and 13 depend from claim 8, these claims are allowable at least for the same reasons as claim 8.

Based at least on the above, Applicants submit that the cited references taken individually or in combination fail to disclose or suggest all of the features recited in claims 8-10 and 13. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) of claims 8-10 and 13 is respectfully requested.

The Office Action objected to claims 11 and 12 as being dependent from a rejected base claim. Applicants submit that because claims 11 and 12 depend from claim 8, these claims are allowable in their present form at least for the same reasons as claim 8. Accordingly, withdrawal of the objection of claims 11 and 12 is respectfully requested.

New claims 14 and 15 are added. Applicants submit that claims 14 and 15 recite features that are neither disclosed nor suggested in any of the cited references taken

individually or in combination. Applicants submit that these claims are therefore, in condition for allowance.

## CONCLUSION

It is submitted that each of claims 1-15 which state subject matter that is neither disclosed or suggested in the cited prior art. It is therefore respectfully requested that all of claims 1-15 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Additional Claim Fee Transmittal  
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